

SCHEDULE 1

Regulation 4

Ear tags

Enforcement of Article 4 of Regulation (EC) No. 1760/2000

- 1.—(1) The National Assembly—
 - (a) is the competent authority for the purposes of approving ear tags for the purposes of Article 4(1) of Regulation (EC) No. 1760/2000; and
 - (b) on application from a manufacturer of approved ear tags, must issue unique identification codes for the purposes of that Article, conforming with the provisions of paragraphs 1 and 2 of Article 1 of Commission Regulation (EC) No. 911/2004 (except that he may refuse to allocate numbers in the circumstances set out in Article 1(5) of that Regulation).
- (2) The person responsible for identifying cattle by means of an ear tag applied to each ear in accordance with Article 4(1) of Regulation (EC) No. 1760/2000 is the keeper.
- (3) In accordance with Article 4(2) of Regulation (EC) No. 1760/2000—
 - (a) in the case of a dairy herd, the keeper must apply one ear tag to the calf within 36 hours of birth and the second tag within 20 days of birth;
 - (b) in the case of any other herd (other than bison) the keeper must apply both tags within 20 days of birth;
 - (c) in the case of bison, in accordance with Articles 1 and 2 of Commission Regulation (EC) No. 509/1999, the keeper must apply both tags when the calves are separated from their dams or within nine months of the birth, whichever is the sooner.
- (4) Any person who fails to comply with the requirement in Article 4(1) of Regulation (EC) No. 1760/2000 to apply an ear tag within the period specified in paragraph (3) above is guilty of an offence.

Form of ear tags

- 2.—(1) Ear tags applied under Article 4(1) of Regulation (EC) No. 1760/2000 must be approved by the National Assembly.
- (2) In accordance with paragraphs 1 and 2 of Article 1 of Commission Regulation (EC) No. 911/2004, both ear tags must have the logo specified in paragraph 11 (in the case of a two-piece ear tag, both pieces must have it), the letters “UK” and the unique number allocated by the National Assembly.
- (3) In accordance with Article 1(3) of that Regulation an ear tag may also have a bar code.
- (4) The power in Article 4 of Commission Regulation (EC) No. 911/2004 (a power to choose other material or model for the second ear tag) may be exercised by the National Assembly.

Movement from a holding

- 3.—(1) Subject to paragraph (3), any person who moves an animal from a holding in breach of the third paragraph of Article 4(2) of Regulation (EC) No. 1760/2000 is guilty of an offence.
- (2) Subject to paragraph (3), any person who moves from a holding cattle that should have been tagged or marked under previous cattle tagging legislation and that are not correctly tagged or marked is guilty of an offence.
- (3) If an animal at a market is not correctly tagged or marked, an inspector may issue a licence to the keeper permitting the animal to be moved from the market to a holding specified in the licence.

(4) Any person who moves an animal in breach of the licence or any condition of the licence is guilty of an offence.

Replacement ear tags

4.—(1) The National Assembly is the competent authority for the purposes of Article 4(5) of Regulation (EC) No. 1760/2000, and any person who either removes or replaces an ear tag (or an ear tag attached under previous cattle tagging legislation) without permission in contravention of that Article or Article 4(4) of Regulation (EC) No. 1760/2000 is guilty of an offence.

(2) If a keeper of an animal born in Great Britain on or after 1 January 1998 discovers that an ear tag has become illegible or has been lost, he or she must, within 28 days of the discovery, replace it with another ear tag bearing the same number (which must be a primary tag if the original was primary, or a primary or secondary tag if the original tag was secondary) and failure to do is an offence.

(3) If a keeper of an animal born in Great Britain before 1 January 1998 discovers that an ear tag has become illegible or has been lost, he or she must, within 28 days of the discovery, either re-tag it with another single tag, or re-tag it with double tags in accordance with these Regulations, and any person failing to do so is guilty of an offence.

(4) If an animal born outside Great Britain loses an ear tag the keeper must, within 28 days of discovering that the ear tag has been lost, re-tag it using a replacement tag that has—

- (a) the crown logo specified in paragraph 11; and
- (b) the original identification code,

and any person failing to do so is guilty of an offence.

(5) It is an offence to apply an ear tag to an animal if it has previously been used to identify a different animal.

(6) It is an offence to apply an ear tag to an animal if the ear tag number has already been used on a different animal.

(7) Paragraphs (2) to (4) do not apply to the occupier of a slaughterhouse or the operator of a market.

Change of ear tag number

5. If an animal born before 1 January 1998 is re-tagged with a different ear tag number, the keeper must, within 14 days of the new ear tag being attached and in any event before the animal is moved off the holding, notify the National Assembly of the new ear tag number and return the old cattle passport with an application for a new cattle passport to be issued with the new ear tag number, and failure to do so is an offence.

Ear tags for animals kept for cultural or historical purposes

6.—(1) A person who keeps cattle for cultural or historical purposes may apply to the National Assembly to have his or her holding registered for this purpose in accordance with Article 1 of Commission Regulation (EC) No. 644/2005.

(2) If the National Assembly has approved a holding for these purposes, the derogation relating to tagging in Article 2 of that Regulation applies provided that the cattle are identified by means of an electronic identifier contained in a ruminal bolus.

Temporary marks

7. If an animal is not tagged in accordance with these Regulations or previous cattle tagging legislation, an inspector may apply an identification mark to it.

Intra-Community trade

8. It is an offence to consign an animal for intra-Community trade unless it is tagged in each ear with an ear tag approved by the National Assembly in accordance with Article 4(1) of Regulation (EC) No. 1760/2000.

Imports from third countries

9.—(1) Any person who fails to apply ear tags to an animal imported from a third country within 20 days of the animal being released from the border inspection post at which it was imported, and in any event before the animal leaves the holding of destination, as specified in Article 4(3) of Regulation (EC) No. 1760/2000, is guilty of an offence.

(2) It is a defence for any person charged under this regulation to prove that—

- (a) when the animal was imported, the holding of destination was a slaughterhouse, and
- (b) the animal was slaughtered within 20 days of leaving the border inspection post.

Alteration and storage of ear tags

10.—(1) It is an offence to alter, obliterate or deface an ear tag applied under Regulation (EC) No. 1760/2000 or previous cattle tagging legislation, or a temporary mark applied by an inspector in accordance with paragraph 7 (application of temporary marks).

(2) Any person who has in his or her possession unused ear tags issued for the purposes of these Regulations must keep them in a secure place, and failure to do so is an offence.

Logo for ear tags

11. The crown logo for ear tags is—

